

Exhibit 3

Entropic No.: E040004USU4

Serial No. 11/292,939

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Anton Monk et al.

For: Multimedia over coaxial cable access
protocol.

Serial No.: 11/292,939

Group Art Unit: 2475

Filed: 02-Dec-2005

Confirmation No. 2904

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Wei Zhao
Examiner

Dear Sir:

In response to the Office Action of August 3, 2010, please note the following amendments, remarks and comments:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Comments begin on page 5 of this paper.

I hereby certify that this correspondence is being electronically deposited with the Commissioner for Patents through the USPTO electronic filing system, on:

November 2, 2010

(Date of Deposit)

Tim Ellis

(Name of Person Making Deposit)

/Tim Ellis/

(Signature)

AMENDMENTS TO THE CLAIMS:

1. (Currently Amended) A BCN modem having a transmitter that transmits packets to a plurality of nodes in a broadband cable network, the transmitter comprising:

a MAC subsystem that provides the packets for transmission within the broadband cable network;

a Modem subsystem in signal communication with the MAC subsystem, the Modem subsystem receiving the packets from the MAC subsystem and appending information to the packets; and

a RF subsystem in signal communication with the Modem subsystem, that receives the packets from the Modem subsystem and upconverting the packets received from the Modem subsystem;

wherein at least one of the packets is a beacon packet that has a channel number field, change field, sequence number field, network coordinator ID field, next beacon index field, admission frame length field, admission window, asynchronous MAP length field and a beacon CRC field; and

wherein at least one of the packets is a data and control packet having a header and a variable length payload and wherein the header has at least five fields selected from the group consisting of a transmit clock field, packet type field, packet subtype field, version field, source node ID field, destination node ID field, and header check sequence field.

2-11. (Cancelled)

12. (Currently Amended) A BCN modem having a receiver that receives packets from a plurality of nodes in a broadband cable network, the receiver comprising:

a RF subsystem that receives packets and downconverting the packets wherein at least one of the packets is a control and data packet having a header, the header having at least five fields selected from a group consisting of a transmit clock

field, packet type field, packet subtype field, version field, source node ID field, destination node ID field, and header check sequence field, the control and data packet further having a variable length payload;

a Modem subsystem in signal communication with the RF subsystem, the Modem subsystem receiving the packets and removing control information from the packets; and

a MAC subsystem that receives packets within the broadband cable network and retrieving data for use by the BCN modem;

wherein at least one of the packets is a beacon packet that has a channel number field, change field, sequence number field, network coordinator ID field, next beacon index field, admission frame length field, admission window, asynchronous MAP length field and a beacon CRC field.

13 - 23. (Cancelled)

24. (Currently Amended) A method for transmitting packets from a BCN modem to a plurality of nodes in a broadband cable network, the method comprising:

formatting the packets in a MAC subsystem that transmits the packets within the broadband cable network, including formatting a data and control packet for transmission within the broadband cable network, the data and control packet having a header and a variable length payload, the header having at least five fields selected from the group consisting of a transmit clock field, packet type field, packet subtype field, version field, source node ID field, destination node ID field, and header check sequence field;

receiving the packets from the MAC subsystem at a Modem subsystem that is in signal communication with the MAC subsystem and that appends information to the packets; and

upconverting the packets with the information for transmission via the broadband cable network at a RF subsystem that is in signal communication with the Modem subsystem;

wherein at least one of the packets is a beacon packet that has a channel number field, change field, sequence number field, network coordinator ID field, next beacon index field, admission frame length field, admission window, asynchronous MAP length field and a beacon CRC field.

25-34. (Cancelled)

35. (Currently Amended) A method for receiving packets at a receiver in a BCN modem from at least one node in a broadband cable network, the method comprising:

receiving the packets and downconverting the packets at a RF subsystem including a control and data packet having a header that has at least five fields selected from the group consisting of a transmit clock field, packet type field, packet subtype field, version field, source node ID field, destination node ID field, and header check sequence field and variable length payload;

removing control information from the packets in a Modem subsystem that is in signal communication with the RF subsystem; and

retrieving data for use by the BCN modem at a MAC subsystem that is in signal communication with the Modem subsystem and in receipt of the packet with the control information removed;

wherein at least one of the packets is a beacon packet that has a channel number field, change field, sequence number field, network coordinator ID field, next beacon index field, admission frame length field, admission window, asynchronous MAP length field and a beacon CRC field.

36-46. (Cancelled)

REMARKS/ARGUMENTS

Claims 1, 3-7, 10-12, 15-30, 33-35 and 38-46 were pending in the application. Claims 1, 3, 5-7, 10-12, 15, 16, 18-26, 28-30, 33-35 and 38, 39, and 41-46 were rejected. Claims 4, 17, 27, and 40 were objected to. Claims 1, 12, 24 and 35 have been amended herein to include all of the limitations of Claims 4, 17, 27 and 40 respectively and those claims that intercede. Claims 2, 8, 9, 13, 14, 31, 32, 36 and 37 were previously cancelled. Additionally, Claims 3-7, 10, 11, 15-26, 28-30, 33-35, 38, 39 and 41-46 are presently cancelled. Accordingly, Claims 1, 12, 24, and 35 are currently pending. Applicants respectfully request reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 USC § 112

The Examiner has rejected Claim 3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 has been cancelled. Accordingly, the Examiner's rejection of Claim 3 is now moot.

Discussion of Rejections Under 35 U.S.C. §103

The Examiner rejected Claims 1, 3, 5-7, 12, 15-16, 18-22, 24-26, 28-30, 35, 38-39, 41-43 under 35 U.S.C. 103(a) as being unpatentable over Nikolich et al. (US 6,826,195 B1) in view of the prior art disclosed in the Background of the Invention of Nikolich et al. and Dunn et al. (US 4,761,796), and further in view of Cafarelli et al. (US 2003/0012163 A1). Applicants have cancelled Claims 3, 5-7, 15, 16, 18-22, 23-26, 28-30, 38, 39 and 41-43. Accordingly, the Examiner's rejections of these claims are now moot.

Applicants have amended Claim 1 to recite the limitations that were previously recited in Claim 4 and each of the interceding claims. In light of the Examiner's statement in paragraph 9 of the non-final office action mailed on August 3, 2010 that Claim 4 would be allowable if rewritten in independent form, Applicants contend that Claim 1 is now be in condition for allowance.

The Examiner rejected Claim 12 using the same grounds used for his rejection of Claim 1. Applicants have amended Claim 12 to add the limitations of Claim 17 and each of

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the interceding claims. Claim 17 was held to be allowable. Accordingly, Applicants respectfully traverse the Examiner rejection of Claim 12 and request allowance of Claim 17 as amended.

The Examiner rejected Claim 24 using the same grounds used for his rejection of Claim 1. Applicants have amended Claim 24 to add the limitations of Claim 27. The Examiner held Claim 27 to be allowable. Accordingly, Applicants respectfully traverse the Examiner rejection of Claim 24 and request allowance of Claim 24 as amended.

The Examiner rejected Claim 35 using the same grounds used for his rejection of Claim 1. Applicants have amended Claim 35 to add the limitations from Claim 40 and the claims that intercede. Claim 40 was held to be allowable. Accordingly, Applicants respectfully traverse the Examiner rejection of Claim 35 and request allowance of Claim 35 as amended.

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CONCLUSION

Applicants believe that all claims pending in the application are now allowable. Furthermore, Applicants contend that no new limitation have been added to the claims presented, although the limitations that were previously recited in Claim 9 have been added to Claim 1 (from which Claim 9 previously depended), and to each of the other independent claims. Accordingly, Applicants respectfully request that the Examiner withdraw the finality of the previous rejection. Applicants further respectfully request that a timely Notice of Allowance be issued in this case.

This is a response to the Office Action mailed on August 3, 2010, and as such, is submitted timely.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 50-4613. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Dated: November 2, 2010

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